THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.19864 of 2007

Between:

Smt.Alamuri Lakshmi Papa.

.. PETITIONER

and

The District Collector and others.

.. RESPONDENTS

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ORDER:

Heard the learned counsel appearing for the petitioner and the learned Government Pleader for Revenue appearing for respondents 1 and 2.

It is the case of the petitioner that the land admeasuring Ac.3-15 cents in T.S.No.41/3A of Kothapeta Municipal Ward of Vizianagaram was originally belongs to Maharaja of Vizianagaram. The Maharaja of Vizianagaram represented by Court of Wards, Management Collector, Vizianagaram, granted patta certificate in respect of the said land in favour of one Boddana Appala Swamy of Vizianagaram in the year 1939 vide Patta No.164, dated 21-06-1939, as he was rendering service. The said Appala Swamy and his family members were in possession and enjoyment of the said land. After the demise of the said Appala Swamy, his son Pydithalli inherited the said land and the said Pydithalli bequeathed the land admeasuring Ac.2-24 cents in favour of the petitioner by way of Will, dated 11-05-1984. The petitioner's name was also recorded in the revenue records and the petitioner has been enjoying the said lands by personally cultivating the same.

It is further stated that the petitioner has already been issued pattadar passbook as well as title deed under the provisions of A.P. Rights in Land and Pattadar Pass Book Act, 1971. While so, the 2nd respondent visited the site and asked the petitioner to produce all the relevant documents in respect of her right, title and claim. When the documents have been submitted, the 2nd respondent issued the impugned letter, dated 28-08-2007, stating that all the said documents are forged one and, therefore, appropriate action will be taken against all the concerned. Aggrieved by the said letter, this writ petition has been filed.

Admittedly, the impugned letter, dated 28-08-2007, has been passed without conducting any enquiry and without giving any reasonable opportunity to the petitioner. Further, I am not inclined to express any opinion with regard to the right, title and claim of the petitioner basing on the Will said to have been executed by Pydithalli, who is the son of one Appala Swamy and with regard to granting of patta certificate in favour of one Appala Swamy on 21-06-1939 and also with regard to inheritance of the property by one Phydithalli. But, however, I am of the opinion that the impugned letter

passed by the 2nd respondent is against the principles of natural justice, as the same is passed without conducting any enquiry and without giving any reasonable opportunity to the petitioner and, therefore, the same is liable to be set aside.

Accordingly, the writ petition is allowed setting aside the impugned letter passed by the 2nd respondent on 28-08-2007, keeping it open for the 2nd respondent to conduct enquiry and take appropriate action in accordance with law. However, it is made clear that the petitioner shall not be dispossessed from the land in question without following due process of law. There shall be no order as to costs.

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29-10-2007

Prv